REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the Amendment filed on June 30, 2005, and the following discussion, is respectfully requested.

Claims 1-30 are currently pending. The present Supplementary Response does not amend the claims and therefore does not add new matter.

In the outstanding Advisory Action, the limitations added to independent Claims 1 and 12 were noted as requiring further consideration; the 35 U.S.C. § 112, second paragraph, rejection was withdrawn; and the arguments regarding independent Claim 21 were deemed unpersuasive. Further, the Amendment filed on June 30, 2005, was indicated as not having been entered.

A Request for Continued Examination is thus submitted herewith to ensure full entry and consideration of the Amendment filed on June 30, 2005.

In addition, the Advisory Action asserts in the "Continuation of 11" section that "[s]ince Pages teaches that the automatic piloting device 13 (fig.4) is capable of controlling the aircraft surface, the automatic piloting device of Pages obviously has one function which is controlling the surfaces of the aircraft." First, Applicant respectfully submits that having one function does not preclude having several functions since, in particular, the presence of two functions implies the presence of one. However, a ***single*** function means that there is only one function. Second, the Advisory Action assertion is solely directed to what the automatic piloting device 13 of Pages does. However, as indicated at page 2, lines 12-20, of Applicant's specification, conventional systems have two control functions, one for the flight control computer and one for the automatic pilot device. Thus, an assertion that the automatic piloting device 13 of Pages "has one function" not only does not preclude the automatic piloting device 13 of Pages from having additional functions, but also does not preclude other elements of Pages, such as the computer 12, for example, from having another

control function, in which case a ***single*** control function would not be met. Thus, absent any positive teaching or suggestion in Pages of a ***single*** control function, which is a novel aspect of embodiments of the present invention, a person of ordinary skill in the art would assume that Pages uses different control functions as is conventionally the case in the prior art. Further, Applicant respectfully submits that the position that Pages teaches "one function" is insufficient to show that Pages inherently teaches the claimed ***single*** control function because it fails to show "that the alleged inherent characteristic necessarily flows from the teachings of the applied prior art."[1]

Moreover, Pages mentions that the automatic piloting device 13 computes the instructions to be applied (1) to the control surfaces as a function of the position and course of the aerodyne and (2) to the control surface actuators.[2] As such, not only is there no teaching or suggestion in Pages of a single control function, but the duplicity of instructions computed at the automatic piloting device 13 would in fact tend to suggest a plurality of control functions to one of ordinary skill in the art who has not been afforded the benefit of hindsight of Applicant's invention.

The Advisory Action adds in the same section that "Pages does not teach any other function besides controlling the surface of the aircraft." Applicant respectfully submits, even assuming arguendo this assertion to be correct, that Pages does not need to disclose all aspects of piloting his aerodyne and a person of ordinary skill would understand that the

[1] See MPEP 2112 (emphasis in original) (citation omitted). See also same section stating that "[t]he fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic," (emphasis in original). See also In re Robertson, 49 USPQ2d 1949, 1951 (Fed. Cir. 1999) ("[t]o establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill,'" citing Continental Can Co. v. Monsanto Co., 948 F2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991); and "[i]nherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient," Id. at 1269 (citation omitted)).

[2] Pages, column 5, lines 47-55.

aerodyne has structures and functions not disclosed in Pages, such as wheels, wings, for example, and another control function since these are conventionally used in the prior art.

Consequently, in view of the Amendment filed on June 30, 2005, and the previous discussion, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-30 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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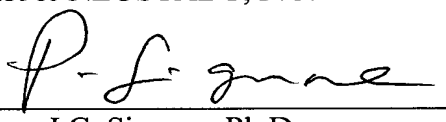

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